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**COURT OF APPEAL, FOURTH APPELLATE DISTRICT**

**DIVISION ONE**

**STATE OF CALIFORNIA**

THE PEOPLE,

Plaintiff and Respondent,

v.

KERY RASHAD ROBERTS,

Defendant and Appellant.

D079841

(Super. Ct. No. SCS214986)

APPEAL from an order of the Superior Court of San Diego County,  
Michael J. Popkins, Judge. Affirmed.

Pauline E. Villanueva, under appointment by the Court of Appeal, for  
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A jury convicted Kery Rashad Roberts of five counts of robbery (Pen.  
Code,<sup>1</sup> § 211) and one count of burglary (§ 459). Roberts admitted a serious

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<sup>1</sup> All further statutory references are to the Penal Code.

felony prior conviction (§ 667, subd (a)(1)); one strike prior (§ 667, subds. (b)-(i)); and two prison priors (§ 667.5, subd. (b)). Roberts was sentenced to a determinate term of 21 years four months in prison.

Roberts appealed and this court affirmed the judgment in an unpublished opinion. (*People v. Roberts* (May 17, 2010, D055085).)

In 2021, Roberts filed a motion to correct his sentence, based principally on recent changes to section 654 arising from the passage of Senate Bill Nos. 81 and 483.

The court denied the motion. The court found that each conviction was based on a separate event, each event taking place at a different time and location. Accordingly, section 654 was not implicated by the separate sentences imposed for each conviction.

Roberts filed a timely notice of appeal.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), indicating counsel has not been able to identify any arguable issues for reversal on appeal. Counsel asks the court to review the record for error as mandated by *Wende*. We offered Roberts the opportunity to file his own brief on appeal, but he has not responded.

## DISCUSSION<sup>2</sup>

As we have indicated appellate counsel has filed a *Wende* brief and asks the court to review the record for error. To assist the court in its review, and in compliance with *Anders v. California* (1967) 386 U.S. 738 (*Anders*), counsel has identified a possible issue that was considered in evaluating the potential merits of this appeal: Whether the court erred in finding section 654 did not apply to Roberts's convictions in this case.

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<sup>2</sup> The facts of the underlying offenses are set forth in our previous opinion. We will not repeat them here.

We have reviewed the entire record as required by *Wende* and *Anders*.  
We have not discovered any arguable issues for reversal on appeal.  
Competent counsel has represented Roberts on this appeal.

DISPOSITION

The order denying appellant's request for resentencing is affirmed.

HUFFMAN, J.

WE CONCUR:

McCONNELL, P. J.

DO, J.